

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

08/857,273 05/16/97 RONZANI

P KPN93-09ACAF

WM02/0312

EXAMINER

THOMAS O HOOVER
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WU, X

ART UNIT

PAPER NUMBER

2674

39

DATE MAILED:

03/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|--------------------------------------|---------------------------------------|
| Office Action Summary | Application No. 08/857,273 | Applicant(s) RONZANI ET AL. |
| | Examiner Xiao Wu | Group Art Unit 2674 |

Responsive to communication(s) filed on Mar 2, 2001

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 21-29, 31-48, 50-66, and 68-85 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 21-29, 31-48, 50-66, and 68-85 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The request filed on 3/2/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/857,273 is acceptable and a CPA has been established. An action on the CPA follows.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 21-29, 31-48, 50-66, 68-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoolman (U.S. Patent No. 5,281,957) in view of Ohnsorge (U.S. Patent No. 5,485,504), Spitzer (WO 93/18428) and Nathanson (U.S. Patent No. 4,010,322).

Schoolman discloses a portable communication device (or a telephone housing) comprising: a telephone housing (Fig. 4); a receiver (54) within the housing that receives image data; a liquid crystal display (44, 45); a display driver (3); a lens (33, 34) that enlarges an image displayed on the display for viewing by a user; and a display control (3).

It is noted that Schoolman fails to disclose that a wireless transceiver within the telephone housing for transmitting and receiving audio and a wireless receiver within the telephone housing that receives image. Schoolman also fails to disclose the liquid crystal display having an active matrix circuit including an array transistors and an array of pixel electrodes such that the active matrix circuit is bonded to an optically transmissive substrate with an adhesive layer. It is also

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noted that Schoolman fails to disclose a battery carried by the telephone housing for powering the transceiver, the receiver, the display, the light source, and the circuit.

Ohnsorge is cited to teach a telephone device which comprises a wireless transceiver with the telephone housing for transmitting and receiving audio and a wireless receiver within the telephone housing that receives image data.

Spitzer is cited to teach an active matrix display with red, green and blue blacklight sources for a head-mounted display system similar to applicant.

Nathanson is cited to teach a portable telecommunicator device which comprises a power supply (30) for powering the display, transceiver, receiver, light source and circuit within the housing.

It would have been obvious to one of ordinary skill in the art to have modified Schoolman with the features of combining audio wireless transceiver and a wireless image data receiver within the same housing as taught by Ohnsorge, because the wireless audio transceiver and wireless image receiver can provide a mobile communication to the user.

Also, it would have been obvious to one of ordinary skill in the art to have used an active matrix liquid crystal of Spitzer for the liquid crystal display of Schoolman because the active matrix liquid crystal display can provide sharper image than the regular liquid crystal display (e.g. passive type LCD).

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Furthermore, it would have been obvious to one of ordinary skill in the art to use an internal power source within the housing as taught by Nathanson so as to provide a mobile function of the telephone unit.

4. Applicant's arguments filed 8/5/99 have been fully considered but they are not persuasive.

With respect to the newly added limitation in claim 59 and 71, it is believed that Spitzer discloses that the active matrix circuit including an array of transistor circuits formed with a single crystal silicon material. It is also noted that Schoolman discloses that the display module is rotates relative to the telephone housing (see Figs. 4 and 5). Applicant also argues that the suggestion to combine must be found in the references. However, it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. *In re Scheckler*. 168 USPQ 716 (CCPA 1971); *In re McLaughlin* 170 USPQ 209 (CCPA 1971); *In re Young* 159 USPQ 725 (CCPA 1968).

5. This is a CPA of applicant's earlier Application No. 08/857273. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

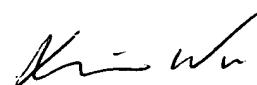
Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

xw

march 9, 2001



**XIAO WU
PRIMARY EXAMINER
ART UNIT 2674**